

II. REMARKS

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks. It is believed that no new matter has been added.

The Examiner has objected to claim 30 as having an improper dependency. In response, the foregoing amendment has corrected the dependency. Additionally, claim 31 has been amended to correct a dependency.

In paragraphs 3-8, claims have been rejected except for those listed in paragraph 9, either based on 35 U.S.C. Sec. 102 or Sec. 103, for reasons more specifically stated in the Office Action.

In response, the rejection is respectfully traversed pursuant to 35 U.S.C. Sec. 132, which requires "the reasons for such rejection... together with such information as may be useful in judging the propriety of continuing prosecution..."). Applicant respectfully requests a more detailed explanation of the Sec. 102 and 103 rejections. Subject to the Examiner's Sec. 123 explanation, Applicant does not see where in the cited art there is a teaching of the claimed product produced by the process (or in accordance with the apparatus claims): e.g., a demographic profile corresponding to an accumulation of the response data (claim 1). The antecedent basis for the response data does not correspond to anything in McClure (See Examiner contention in the Office Action at page 6), nor does McClure pertain to demographic profile. Examiner's explanation is needed. Where the product of a process is unknown, no combination of separate teachings in the art can render it obvious to make the unknown product.

With regard to claim 27, an explanation is needed to understand the basis for the Examiner's contention that a ballot ID is participant identification data. It would seem that the ballot ID identifies the ballot, not the participant.

This lack of explanation or error underpins the rejection based on Sec. 102,

which in turn underpins all Sec 103 rejections. As there is no teaching or suggestion of all claim elements, the rejection of these claims is improper. While other errors exist in the Office Action, the foregoing distinguish the rejected claims from the cited art as the evidence does not establish anticipation or prima facie obviousness.

Applicant appreciates the Examiner's allowance of those claims listed in paragraph 9 of the Office Action, and if an allowance does not follow from this response, an Examiner Interview is respectfully requested.

III. CONCLUSION

The application, as amended, is believed to be in condition for allowance, and favorable action is requested. If any further extension of time for responding is required, it is requested that this be deemed a petition therefore, and the Commissioner is authorized to charge any required fee, or credit any overcharge to, PTO Account 50-0235.

Respectfully submitted,

Date: January 28, 2005

A handwritten signature in black ink, appearing to read 'P. K. Trzynka', written over a horizontal line.

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